

### **REMARKS**

This paper is being provided in response to the Office Action mailed January 5, 2005, for the above-referenced application. In this response, Applicants have cancelled claim 95 without prejudice or disclaimer of the subject matter thereof and amended claims 89 and 91 to clarify that which Applicants consider to be the invention. Further, Applicants submit herewith a Terminal Disclaimer. Applicants respectfully submit that the amendments to the claims are fully supported by the originally-filed specification.

The non-statutory obviousness-type double patenting rejection of claims 65, 66, 68-74, 78, 80, 82, 83, 85, 89, 91 and 95 in view of claims of U.S. Patent No. 6,665,174 has been addressed by the submission herewith of a Terminal Disclaimer. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

The rejection of claims 65-66, 69-70, 72-73 and 75-77 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,018,049 to Mehnert (hereinafter "Mehnert") is hereby traversed and reconsideration is respectfully requested.

Independent claim 65 recites a portable electrical control and display device and including an indicator element and a control element. A housing contains the indicator element and the control element and includes a transparent protective sight glass. At least one sealing device closes the housing in a water-tight manner, the sealing device including one of a plug and ring which can be pushed into the housing on at least one side, the one of the plug and the ring

engaging the housing when pushed in. Claims 66-77 depend directly or indirectly on independent claim 65.

The Mehnert reference discloses a housing for electronic switchgear. The housing is comprised of first and second sleeve parts 8, 9 of an inner sleeve 1, an outer sleeve 3 surrounding the first and second sleeve parts and a stopper 2. (See Fig. 1 of Mehnert.) The first and second sleeve parts 8, 9 are bonded together by ultrasonic plastic welding. (See col. 3, lines 37-41 of Mehnert.)

Applicants' independent claim 65 recites at least the features of a portable electrical control and display device including *at least one sealing device that closes the housing in a water-tight manner, the sealing device including one of a plug and ring which can be pushed into the housing on at least one side, the one of the plug and the ring engaging the housing when pushed in.* Applicants respectfully submit that Mehnert does not teach or fairly suggest at least the above-noted features as claimed by Applicants. The Office Action cites the stopper 2 of Mehnert's device as one of a plug and ring; however, in Mehnert, this stopper 2 is bonded to the inner sleeve 1 by ultrasonic plastic welding. (See col. 4, lines 18 to 28, describing the embodiment of Fig. 1 in relation to the embodiment of Fig. 2.) Applicants submit that the stopper is attached (welded) to the housing and is not such that it can be pushed into the housing as to engage the housing when pushed in as is recited by Applicants with respect to the one of a plug and ring. Furthermore, the Office Action cites circuitry 4 of Mehnert as being a control element as claimed by Applicants; however, Applicants respectfully submit that nothing about the circuitry disclosed by Mehnert indicates that is circuitry is utilized as a control element.

Accordingly, in view of the above, Applicants respectfully request that this rejection be reconsidered and withdrawn.

The rejection of claims 78-80, 83 and 86-88 under 35 U.S.C. 102(b) as being anticipated by Mehnert is hereby traversed and reconsideration is respectfully requested.

Independent claim 78 recites a portable electrical control and display device including an indicator element and a control element. A housing contains the indicator element and the control element and includes a transparent protective sight glass. A sleeve accommodates the indicator element and the control element. At least one sealing device closes the housing in a water-tight manner, the sealing device including a peripheral groove and a matching peripheral ridge arranged at opposite locations on the housing and the sleeve, wherein when the housing and sleeve are joined together, the ridge engages the groove. Claims 78-88 depend directly or indirectly on independent claim 78.

The Mehnert reference is discussed in detail above.

Applicants' independent claim 78 recites at least the features of a portable electrical control and display device including *at least one sealing device that closes said housing in a water-tight manner, said at least one sealing device including a peripheral groove and a matching peripheral ridge arranged at opposite locations on the housing and the sleeve, wherein when the housing and sleeve are joined together, the ridge engages the groove.* Applicants respectfully submit that Mehnert does not teach or fairly suggest at least the above-noted features

as claimed by Applicants. Neither of the Mehnert devices shown in Fig. 1 nor Fig. 2 arguably include a sealing device having a peripheral groove and a matching peripheral ridge which engage. The Office Action cites to Fig. 2 as disclosing an unlabelled peripheral groove and cites to the first sleeve part (element 8) as showing an unlabeled “end lip” which the Office Action suggests is a ridge. Applicants respectfully traverse this conclusion and submit that any “end lip” of element 8 shown in Fig. 2 is not a matching peripheral ridge that is arranged at an opposite location with a peripheral groove and that engages the peripheral groove when the housing and the sleeve are joined together. Accordingly, in view of the above, Applicants respectfully request that this rejection be reconsidered and withdrawn.

The rejection of claims 65, 67, 68, 71, 73, 74, 78, 81, 82, 84 and 85 under 35 U.S.C. 103(a) as being unpatentable over Mehnert in view of U.S. Patent No. 6,532,152 to White et al. (hereinafter “White”) is hereby traversed and reconsideration is respectfully requested.

The features of independent claims 65 and 78 are discussed above with respect to Mehnert. The remaining claims cited above depend therefrom.

The White reference discloses a durable hand-held computer including a metal frame that forms at least a portion of the peripheral walls housing the computer. The Office Action cites to White as disclosing an aperture with a transparent sight glass (212), an acoustic indicator (218) and a control element being a keyboard with at least one keypad (220). (See Fig. 2 of White.)

Applicants respectfully submit that White does not overcome the above-noted deficiencies of the Mehnert reference with respect to Applicants' presently claimed invention. White discloses a housing comprised of two shells, an upper shell 204 and a base shell 206, with a gasket 208 as a sealing engagement between the shell halves to provide protection to the internal components from moisture, dust and debris. (See Fig. 2 and col. 11, lines 26-50 of White.) Applicants respectfully submit that neither Mehnert nor White, taken alone or in combination, teach or fairly suggest at least the features of a portable electrical control and display device including at least one sealing device that closes the housing in a water-tight manner, *the sealing device including one of a plug and ring which can be pushed into the housing on at least one side, the one of the plug and the ring engaging the housing when pushed in or including a peripheral groove and a matching peripheral ridge arranged at opposite locations on the housing and the sleeve, wherein when the housing and sleeve are joined together, the ridge engages the groove*, as is claimed by Applicants. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

The rejection of claims 89-95 under 35 U.S.C. 103(a) as being unpatentable over Mehnert is hereby traversed and reconsideration is respectfully requested in view of the amendments to the claims contained herein.

Independent claim 89, as amended herein, recites a portable electrical control and display device that includes an indicator element and a control element. A housing contains the indicator element and the control element and includes a transparent protective sight glass and a control area portion, wherein said control area portion of the housing is disposed in a corresponding

position to said control element and includes at least one component that contacts said control element when said control element is engaged. A sleeve accommodates the indicator element and the control element and includes a peripheral ridge, wherein, when the housing and the sleeve are joined together, the peripheral ridge engages a matching peripheral groove in the housing. Claims 90-94 depend directly or indirectly on independent claim 89.

Similar to the discussion above with respect to Mehnert, Applicants respectfully submit that Mehnert does not teach or fairly suggest at least the features of portable electrical control and display device that includes a sleeve that accommodates the indicator element and the control element and includes a peripheral ridge, wherein, when the housing and the sleeve are joined together, the peripheral ridge engages a matching peripheral groove in the housing. As previously noted, the Office Action cites to Figure 2 to show an unlabelled groove and a portion of element 8 which the Office Action terms an “end lip.” Applicants respectfully submit that the citations do not disclose the peripheral ridge and matching peripheral groove that engage when the housing and sleeve are joined. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Further, independent claim 89, as amended herein, recites that the housing contains the indicator element and the control element and includes a transparent protective sight glass and a control area portion, wherein said control area portion of the housing is disposed in a corresponding position to said control element and includes at least one component that contacts said control element when said control element is engaged. (See, for example, page 10, lines 8-12 of the present specification.) In addition to the arguments set forth above, Applicants

respectfully submit that Mehnert does not teach or fairly suggest at least the above-noted features concerning a control area portion of the housing as recited by Applicants. Accordingly, in view of the above, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Based on the above, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 617-248-4038.

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